REMARKS/ARGUMENTS

The present application discloses an apparatus, program product and method in which a set of broadcast channels is automatically selected on a mobile receiver based on the mobile receiver's current location, a database of broadcast sources contained within the mobile receiver, and a predefined set of user preferences. This location based selection of broadcast channels may be implemented by first querying a user for personal preferences. These user preferences, along with a database of broadcast sources and program formats, are then loaded into the mobile receiver. The mobile receiver includes a means for determining the current location of the receiver, as the receiver moves from location to location. After the location of the receiver is determined, the database of broadcast sources and program formats are searched in order to determine broadcast sources that can be received by the receiver in its current location. After the receivable broadcast sources have been identified, one or more groups of broadcast channels are created, based on the set of user preferences. These groups of broadcast channels are then assigned to user selectable functions within the receiver (Abstract).

Reconsideration of the application, as amended, is requested. Claims 1 and 3 have been amended. Claim 2 has been cancelled. No new matter has been added. Claims 1 and 3-42 remain pending in this application.

In section 1 of the Office Action, the Examiner rejects claims 1-6, 8, 10-14, and 18-42 under 35 U.S.C. §102(e) as being anticipated by Marrah et al. (US 6,728,522). Applicant has amended claims 1 and 3 to overcome this rejection with regard to claims 1-6, 8, 10-14 and 18-34 and respectfully traverses this rejection as it pertains to claims 35-42.

Marrah et al. provides a mobile weather band radio and method of tuning the radio to select a signal channel based on geographic position. The radio has a weather band tuner adjustable for a plurality of radio wave signal channels. A position indicative receiver is provided for receiving position indicative signals and determining a current position of the radio.

A controller automatically tunes the tuner to a select signal channel based on the determined geographic region (Marrah et al., abstract).

In section 2 of the Office Action, the Examiner specifically rejects claims 1, 31, 32, 35, 39 and 42. In order to better distinguish over the cited Marrah et al. reference, the subject matter of claim 2 has now been incorporated into claim 1, and claim 2 has been cancelled. More specifically, claim 1 now states that the predetermined selection criteria includes the plurality of receivable broadcast signals, the current location of the receiver, and the set of listener preferences.

Applicant respectfully submits that the Marrah et al. reference does not provide all of the necessary elements of claim 1. More specifically, Marrah et al. a) does not provide a set of listener preferences in memory; and b) does not utilize the set of listener preferences as a predetermined selection criteria to select a group of broadcast channels, as is done in Claim 1. Marrah et al. tunes its weather band radio based upon: 1) location (provided only by a GPS receiver) and 2) a database (containing NOAA county codes and corresponding weather band frequency vs. GPS coordinates of counties) (see Marrah et al., Figure 4, blocks 54 and 56). In contrast to Marrah et al., claim 1 of the present invention provides a memory which includes: 1) location of the receiver; 2) a database (containing broadcast sources for a plurality of broadcast locations) AND **3) a set of listener preferences.** The present invention then selects a group of broadcast signals based on the plurality of receivable broadcast signals, the current location of the receiver and **the set of listener preferences. Thus, Marrah et al. neither discloses nor suggests storing a set of listener preferences or using the stored listener preferences as a predetermined selection criteria to select a group of broadcast signals, as is provided by the present invention.**

Support for the use of listener preferences as a predetermined selection criteria to select a group of broadcast signals is provided on page 9. lines 4-7 of the present application. This passage states, "In addition to the conventional preferences, listener preferences 29 can also

include user defined programming choices, such as specific syndicated programming (e.g., Rush Limbaugh, Dr. Laura Schlessinger, Bob & Tom, Money Talk, etc), which can be assigned to user definable pushbutton controls on receiver 12". For these reasons, Applicant submits that claim 1 is now allowable over Marrah et al. and should pass to issuance.

Claims 31 and 32 depend, either directly or indirectly, from claim 1, which, for reasons stated above, is now considered in condition for allowance. Thus, Applicant submits that claims 31 and 32 are also now in condition for allowance.

Claim 35 also discloses a set of user preferences similar to those described in Claim 1. Claim 39 depends directly from Claim 35. Applicant submits that claims 35 and 39 are allowable for the same reasons offered with regard to claim 1 above.

With regard to claim 42, the claim provides an element directed toward "searching a database of broadcast sources and program formats based on the location of the receiver". Applicant submits that Marrah et al. neither discloses nor suggests providing or searching a database including program formats. In fact, Marrah et al. is directed toward **the selection of one specific channel of one specific format** (e.g., weather), based on the current location of the receiver. In other words, the database of Marrah et al. does not distinguish between the program formats of the channels, since all of the channels in the database are **exclusively weather related**. For this reason, claim 42 is respectfully submitted as allowable over the Marrah et al. reference.

In section 3 of the Office Action, the Examiner rejects claims 2, 26, 29 and 30, citing column 3, lines 17-21 and column 3, lines 31-44 of Marrah et al. In the current response, claim 2 has been cancelled, and the subject matter of claim 2 has now been incorporated into claim 1. Claims 26, 29 and 30 rely, either directly or indirectly, from claim 1, which for reasons stated above, is now considered in condition for allowance. Thus, claims 26, 29 and 30 are now also considered in condition for allowance.

In section 4 of the Office Action, the Examiner rejects claims 3, 28 and 40, stating the Marrah et al. discloses a database having program formats for a plurality of broadcast locations at col. 5, lines 45-50. Applicant respectfully disagrees that the passage cited by the Examiner discloses a database having program formats for a plurality of broadcast locations. As stated in the passage, the database only contains **weather band frequencies**. Thus, **all of the stations in the database are of the same format, namely weather information**. For this reason, claims 3, 28 and 40 are now submitted as in condition for allowance.

In section 5 of the Office Action, the Examiner rejects claim 4, wherein the current location of the receiver is entered by the listener, citing col. 2, lines 7-16. Applicant respectfully disagrees that the passage cited by the Examiner either discloses or suggests that the current location of the receiver is entered by the listener. If fact, the passage cited by the Examiner suggests just the opposite. The passage states, "The radio has a device for determining a current position of the radio." This device is a GPS receiver, as described in column 4, lines 42-52, and Figure 4, element 58. This GPS location information is then automatically used to fetch the corresponding weather band frequency (Fig 4, element 60). **This is all done automatically, and the user does not enter any locational information into the system.** For this reason, claim 4 is now submitted as allowable.

In section 6 of the Office Action, the Examiner rejects claims 5, 6 and 38, where the current location of the receiver is entered by the listener as a zip code, citing column 3 line 65 to column 4 line 21). As stated in the previous paragraph, the locational information in Marrah et al. is provided automatically by a GPS receiver, without listener intervention. In fact, **Marrah et al. neither discloses nor suggests a listener entering ANY locational information into the system**, much less zip code information. The passage cited by the Examiner **makes no mention of zip codes in any context**. For this reason, claims 5, 6 and 38 are now submitted as allowable.

In section 7 of the Office Action, the Examiner rejects claim 8, where the current location is entered by the listener via a keypad integral to the apparatus, citing col. 3, lines 1-10. As stated

in the previous paragraph, the locational information in Marrah et al. is provided automatically by a GPS receiver, without listener intervention. In fact, **Marrah et al. neither discloses nor suggests a listener entering ANY locational information into the system**, much less via a keypad integral to the apparatus. The passage cited by the Examiner merely describes a radio having buttons for operation. "The car radio 12 shown is an AM/FM radio equipped with an audio tape and a CD player, and includes a human-machine interface (HMI) key matrix with a plurality of manually operable controls 18 which extend from its face plate." (Marrah et al, col. 3, lines 1-4). The mere fact that a radio has buttons neither discloses nor suggests that such buttons are used to enter the current location of the radio, as suggested by the Examiner. In fact, there is no suggestion anywhere in Marrah et al. of a user manually entering location information. As a result, Applicant submits that claim 8 is allowable.

In section 8 of the Office Action, the Examiner rejects claims 10, 36 and 41, where the current location of the receiver is provided by a global positioning system (GPS) receiver integral to the apparatus. Claim 8 relies indirectly from claim 1, which for reasons stated above, is now considered in condition for allowance. As a result, claims 10, 36 and 41 are also now submitted as allowable.

In section 9 of the Office Action. the Examiner rejects claim 9, where the current location of the receiver is provided by a global positioning system (GPS) receiver external to the apparatus. Claim 9 relies indirectly from claim 1, which for reasons stated above, is now considered in condition for allowance. As a result, claim 9 is also now submitted as allowable.

In section 10 of the Office Action, the Examiner rejects claims 12 and 13, where the current location of the receiver is provided by a cellular phone integral to the apparatus, citing column 2, lines 59-63. Applicant respectfully submits that the passage cited by the Examiner does not discuss using a cellular phone integral to the apparatus for obtaining the current location of the receiver. The passage cited by the Examiner merely states that the weather radio of Marrah et al. may be implemented as a standalone electronic device rather than being integrated

into a car radio. The passage makes no mention of a cellular phone integral to the apparatus, the cellular phone used to obtain the current location of the receiver, as claimed in the present invention. Thus, Applicant now submits that claims 12 and 13 are in condition for allowance.

In section 11 of the Office Action, the Examiner rejects claim 14, where the database of broadcast services is provided to the receiver by a removable memory module, citing column 5, lines 45-50. Applicant respectfully submits that the passage cited by the Examiner makes no mention of removable memory modules in any context, much less where a removable memory module specifically provides a database of broadcast services. Thus, Applicant submits that claim 14 of the present invention is allowable.

In section 12 of the Office Action, the Examiner rejects claims 18 and 27, where the apparatus further includes an I/O port for transferring information from an external device to the apparatus, citing col. 3, lines 31-44 and col. 4, lines 30-41. Applicant respectfully submits that the passages cited by the Examiner make no mention of an I/O port for transferring information from an external device to the apparatus, rather the passages merely discuss functional components integral to the weather band radio (e.g., the GPS receiver). Thus, Applicant submits that claims 18 and 27 of the present invention are in condition for allowance.

In section 13 of the Office Action, the Examiner rejects claim 19, where the external device of claim 18 is coupled to the I/O port via a wired connection, citing col. 2, lines 52-59. Applicant respectfully submits that the passage cited by the Examiner makes no mention of an I/O port for transferring information from an external device to the apparatus via a wired connection, rather the passage merely discusses in broad language the concept of an AM/FM car radio with integrated weather band functionality. Thus, Applicant submits that claim 19 the present invention is in condition for allowance.

In section 14 of the Office Action, the Examiner rejects claims 20, 21 and 22, where the external device of claim 18 is coupled to the I/O port via a wireless connection, citing col. 2,

lines 59-63. Applicant respectfully submits that the passage cited by the Examiner makes no mention of an I/O port for transferring information from an external device to the apparatus via a wireless connection, rather the passage merely discusses that the weather band radio may be employed as a separate handheld device, rather than integrated into an AM/FM car radio. Thus, Applicant submits that claims 20, 21 and 22 of the present invention are in condition for allowance.

In section 15 of the Office Action, the Examiner rejects claim 23, where the external device of claim 18 is a personal digital assistant (PDA), citing column 2, lines 59-63. Applicant respectfully submits that the passage cited by the Examiner discusses the device itself, not an external device coupled to the device itself via an I/O connection, as claimed in the present invention. Thus, Applicant submits that claim 23 is in condition for allowance.

In section 16 of the Office Action, the Examiner rejects claim 23, where the external device of claim 18 is a personal computer (PC), citing column 2, lines 59-63. Applicant respectfully submits that the passage cited by the Examiner discusses the device itself, not an external device coupled to the device itself via an I/O connection, as claimed in the present invention. Thus, Applicant submits that claim 23 is in condition for allowance.

In section 17 of the Office Action, the Examiner rejects claim 23, where the external device of claim 18 is a wireless phone, citing column 2, lines 59-63. Applicant respectfully submits that the passage cited by the Examiner discusses the device itself, not an external device coupled to the device itself via an I/O connection, as claimed in the present invention. Thus, Applicant submits that claim 23 is in condition for allowance.

In section 18 of the Office Action, the Examiner rejects claim 33, where the receiver (i.e., GPS receiver 40) is mounted within a mobile vehicle. Applicant respectfully submits that claim 33 relies directly from claim 1, which for reasons stated above, is now submitted as in condition for allowance. Thus, claim 33 is now also submitted as allowable.

In section 19 of the Office Action, the Examiner rejects claims 34 and 37, where the receiver is a handheld device, citing col. 2, lines 59-63. Applicant respectfully submits that claim 34 relies directly from claim 1, which for reasons stated above, is now submitted as in condition for allowance. Thus, claim 34 is now also submitted as allowable. With regard to claim 37, Applicant submits that the claim does not discuss a handheld device, so Applicant cannot address the Examiner's rejection. As a result, Applicant once again submits that claim 37 is in condition for allowance.

In section 20 of the Office Action, the Examiner rejects claims 7, 9, and 15-17 under 35 U.S.C. §103(a) as being unpatentable over Marrah et al. (US 6,728,522). Applicant respectfully traverses this rejection. Applicant respectfully submits that claims 7, 9 and 15-17 rely either directly or indirectly from claim 1, which for reasons stated above, is now submitted as in condition for allowance. Thus, claims 7, 9 and 15-17 is now also submitted as allowable.

In view of the foregoing comments and amendments, the Applicant respectfully submits that all of the pending claims (i.e., claims 1-42) are in condition for allowance and that the application should be passed to issue. The Examiner is urged to call the undersigned at the below-listed telephone number if, in the Examiner's opinion, such a phone conference would expedite or aid in the prosecution of this application.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

April 7, 2005
(Date of Deposit)

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